

Union Calendar No. 335

105TH CONGRESS
2^D Session

H. R. 2538

[Report No. 105-594]

A BILL

To establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

JUNE 23, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1997

Mr. REDMOND introduced the following bill; which was referred to the Committee on Resources

JUNE 23, 1998

Additional sponsors: Mr. DIAZ-BALART, Mr. SKEEN, Mr. LEWIS of California, Mr. CAMPBELL, Mr. WATKINS, Mr. BOEHNER, Mr. SUNUNU, Mr. POMBO, Mr. CANNON, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. SESSIONS, Mr. WICKER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. COX of California, Mr. FOX of Pennsylvania, Mr. HANSEN, Mr. PICKERING, Mr. HASTERT, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, Mrs. CUBIN, Mr. KINGSTON, Mr. RILEY, Mr. MANZULLO, Mr. PARKER, Mr. PEASE, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAUZIN, Mr. WAMP, Mr. JACKSON of Illinois, Mr. SCOTT, Mr. TRAFICANT, Mr. JENKINS, Mr. HERGER, Mr. KNOLLENBERG, Mr. THUNE, Mr. HUNTER, Ms. ROS-LEHTINEN, Mr. TORRES, Mr. GONZALEZ, Mr. COOKSEY, Mr. CALVERT, Mr. PAPPAS, Mr. GINGRICH, Mr. LANTOS, Mr. THOMAS, Mr. BARTON of Texas, Mr. BRADY, Ms. DUNN, Mr. FOSSELLA, Mr. HOSTETTLER, Mr. JONES, Mr. PAXON, Mr. RYUN, Mr. SNOWBARGER, Ms. FURSE, Mr. MARTINEZ, Mr. MORAN of Kansas, Mr. LINDER, Mr. LAZIO of New York, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENSIGN, Mr. GALLEGLY, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. GILCHREST, Mr. DIXON, Mr. BURR of North Carolina, Ms. JACKSON-LEE of Texas, Mr. BURTON of Indiana, Mr. STUMP, Mr. FOLEY, and Mr. WELDON of Florida

JUNE 23, 1998

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 24, 1997]

A BILL

To establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Guadalupe-Hidalgo Treaty Land Claims Act of 1998”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
7 *Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions and findings.*
- Sec. 3. Establishment and membership of Commission.*
- Sec. 4. Examination of land claims.*
- Sec. 5. Community Land Grant Study Center.*
- Sec. 6. Miscellaneous powers of Commission.*
- Sec. 7. Report.*
- Sec. 8. Termination.*
- Sec. 9. Authorization of appropriations.*

8 **SEC. 2. DEFINITIONS AND FINDINGS.**

9 (a) *DEFINITIONS.*—*For purposes of this Act:*

1 (1) *COMMISSION.*—*The term “Commission”*
 2 *means the Guadalupe-Hidalgo Treaty Land Claims*
 3 *Commission established under section 3.*

4 (2) *TREATY OF GUADALUPE-HIDALGO.*—*The term*
 5 *“Treaty of Guadalupe-Hidalgo” means the Treaty of*
 6 *Peace, Friendship, Limits, and Settlement (Treaty of*
 7 *Guadalupe Hidalgo), between the United States and*
 8 *the Republic of Mexico, signed February 2, 1848 (TS*
 9 *207; 9 Bevans 791).*

10 (3) *ELIGIBLE DESCENDANT.*—*The term “eligible*
 11 *descendant” means a descendant of a person who—*

12 (A) *was a Mexican citizen before the Treaty*
 13 *of Guadalupe-Hidalgo;*

14 (B) *was a member of a community land*
 15 *grant; and*

16 (C) *became a United States citizen within*
 17 *ten years after the effective date of the Treaty of*
 18 *Guadalupe-Hidalgo, May 30, 1848, pursuant to*
 19 *the terms of the Treaty.*

20 (4) *COMMUNITY LAND GRANT.*—*The term “com-*
 21 *munity land grant” means a village, town, settle-*
 22 *ment, or pueblo consisting of land held in common*
 23 *(accompanied by lesser private allotments) by three or*
 24 *more families under a grant from the King of Spain*
 25 *(or his representative) before the effective date of the*

1 *Treaty of Cordova, August 24, 1821, or from the au-*
2 *thorities of the Republic of Mexico before May 30,*
3 *1848, in what became the State of New Mexico, re-*
4 *gardless of the original character of the grant.*

5 (5) *RECONSTITUTED.*—*The term “reconstituted”,*
6 *with regard to a valid community land grant, means*
7 *restoration to full status as a municipality with*
8 *rights properly belonging to a municipality under*
9 *State law and the right of local self-government.*

10 (b) *FINDINGS.*—*Congress finds the following:*

11 (1) *New Mexico has a unique history regarding*
12 *the acquisition of ownership of land as a result of the*
13 *substantial number of Spanish and Mexican land*
14 *grants that were an integral part of the colonization*
15 *and growth of New Mexico before the United States*
16 *acquired the area in the Treaty of Guadalupe-*
17 *Hidalgo.*

18 (2) *Various provisions of the Treaty of Guada-*
19 *lupe-Hidalgo have not yet been fully implemented in*
20 *the spirit of Article VI, section 2, of the Constitution*
21 *of the United States.*

22 (3) *Serious questions regarding the prior owner-*
23 *ship of lands in the State of New Mexico, particularly*
24 *certain public lands, still exist.*

1 (4) *Congessionally established land claim com-*
 2 *missions have been used in the past to successfully ex-*
 3 *amine disputed land possession questions.*

4 **SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**
 5 **SION.**

6 (a) *ESTABLISHMENT.*—*There is established a commis-*
 7 *sion to be known as the “Guadalupe-Hidalgo Treaty Land*
 8 *Claims Commission”.*

9 (b) *NUMBER AND APPOINTMENT OF MEMBERS.*—*The*
 10 *Commission shall be composed of five members appointed*
 11 *by the President by and with the advice and consent of the*
 12 *Senate. At least two of the members of the Commission shall*
 13 *be selected from among persons who are eligible descendants.*

14 (c) *TERMS.*—*Each member shall be appointed for the*
 15 *life of the Commission. A vacancy in the Commission shall*
 16 *be filled in the manner in which the original appointment*
 17 *was made.*

18 (d) *COMPENSATION.*—*Members shall each be entitled to*
 19 *receive the daily equivalent of level V of the Executive*
 20 *Schedule for each day (including travel time) during which*
 21 *they are engaged in the actual performance of duties vested*
 22 *in the Commission.*

23 **SEC. 4. EXAMINATION OF LAND CLAIMS.**

24 (a) *SUBMISSION OF LAND CLAIMS PETITIONS.*—*Any*
 25 *three (or more) eligible descendants who are also descend-*

1 *ants of the same community land grant may file with the*
2 *Commission a petition on behalf of themselves and all other*
3 *descendants of that community land grant seeking a deter-*
4 *mination of the validity of the land claim that is the basis*
5 *for the petition.*

6 *(b) DEADLINE FOR SUBMISSION.—To be considered by*
7 *the Commission, a petition under subsection (a) must be*
8 *received by the Commission not later than five years after*
9 *the date of the enactment of this Act.*

10 *(c) ELEMENTS OF PETITION.—A petition under sub-*
11 *section (a) shall be made under oath and shall contain the*
12 *following:*

13 *(1) The names and addresses of the eligible de-*
14 *scendants who are petitioners.*

15 *(2) The fact that the land involved in the peti-*
16 *tion was a community land grant at the time of the*
17 *effective date of the Guadalupe-Hidalgo Treaty.*

18 *(3) The extent of the community land grant, to*
19 *the best of the knowledge of the petitioners, accom-*
20 *panied with a survey or, if a survey is not feasible*
21 *to them, a sketch map thereof.*

22 *(4) The fact that the petitioners reside, or intend*
23 *to settle upon, the community land grant.*

1 (5) *All facts known to petitioners concerning the*
2 *community land grant, together with copies of all pa-*
3 *pers in regard thereto available to petitioners.*

4 (d) *PETITION HEARING.*—*At one or more designated*
5 *locations in the State of New Mexico, the Commission shall*
6 *hold a hearing upon each petition timely submitted under*
7 *subsection (a), at which hearing all persons having an in-*
8 *terest in the land involved in the petition shall have the*
9 *right, upon notice, to appear as a party.*

10 (e) *SUBPOENA POWER.*—

11 (1) *IN GENERAL.*—*The Commission may issue*
12 *subpoenas requiring the attendance and testimony of*
13 *witnesses and the production of any evidence relating*
14 *to any petition submitted under subsection (a). The*
15 *attendance of witnesses and the production of evidence*
16 *may be required from any place within the United*
17 *States at any designated place of hearing within the*
18 *State of New Mexico.*

19 (2) *FAILURE TO OBEY A SUBPOENA.*—*If a person*
20 *refuses to obey a subpoena issued under paragraph*
21 *(1), the Commission may apply to a United States*
22 *district court for an order requiring that person to*
23 *appear before the Commission to give testimony,*
24 *produce evidence, or both, relating to the matter*
25 *under investigation. The application may be made*

1 *within the judicial district where the hearing is con-*
2 *ducted or where that person is found, resides, or*
3 *transacts business. Any failure to obey the order of*
4 *the court may be punished by the court as civil con-*
5 *tempt.*

6 (3) *SERVICE OF SUBPOENAS.—The subpoenas of*
7 *the Commission shall be served in the manner pro-*
8 *vided for subpoenas issued by a United States district*
9 *court under the Federal Rules of Civil Procedure for*
10 *the United States district courts.*

11 (4) *SERVICE OF PROCESS.—All process of any*
12 *court to which application is to be made under para-*
13 *graph (2) may be served in the judicial district in*
14 *which the person required to be served resides or may*
15 *be found.*

16 (f) *DECISION.—On the basis of the facts contained in*
17 *a petition submitted under subsection (a), and the hearing*
18 *held with regard to the petition, the Commission shall deter-*
19 *mine the validity of the community land grant described*
20 *in the petition. The decision shall include a recommenda-*
21 *tion of the Commission regarding whether the community*
22 *land grant should be reconstituted and its lands restored.*

23 (g) *PROTECTION OF NON-FEDERAL PROPERTY.—The*
24 *decision of the Commission regarding the validity of a peti-*
25 *tion submitted under subsection (a) shall not affect the own-*

1 *ership, title, or rights of owners of any non-Federal lands*
 2 *covered by the petition. Any recommendation of the Com-*
 3 *mission under subsection (f) regarding whether a commu-*
 4 *nity land grant should be reconstituted and its lands re-*
 5 *stored may not address non-Federal lands. In the case of*
 6 *a valid petition covering lands held in non-Federal owner-*
 7 *ship, the Commission shall modify the recommendation*
 8 *under subsection (f) to recommend the substitution of com-*
 9 *parable Federal lands in the State of New Mexico for the*
 10 *lands held in non-Federal ownership.*

11 **SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.**

12 *To assist the Commission in the performance of its ac-*
 13 *tivities under section 4, the Commission shall establish a*
 14 *Community Land Grant Study Center at the Onate Center*
 15 *in Alcalde, New Mexico. The Commission shall be charged*
 16 *with the responsibility of directing the research, study, and*
 17 *investigations necessary for the Commission to perform its*
 18 *duties under this Act.*

19 **SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.**

20 *(a) HEARINGS AND SESSIONS.—The Commission may,*
 21 *for the purpose of carrying out this Act, hold hearings, sit*
 22 *and act at times and places, take testimony, and receive*
 23 *evidence as the Commission considers appropriate. The*
 24 *Commission may administer oaths or affirmations to wit-*
 25 *nesses appearing before it.*

1 (b) *POWERS OF MEMBERS AND AGENTS.*—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action which the Commission is au-
4 thorized to take by this section.

5 (c) *GIFTS, BEQUESTS, AND DEVISES.*—The Commis-
6 sion may accept, use, and dispose of gifts, bequests, or de-
7 vises of services or property, both real and personal, for the
8 purpose of aiding or facilitating the work of the Commis-
9 sion. Gifts, bequests, or devises of money and proceeds from
10 sales of other property received as gifts, bequests, or devises
11 shall be deposited in the Treasury and shall be available
12 for disbursement upon order of the Commission. For pur-
13 poses of Federal income, estate, and gift taxes, property ac-
14 cepted under this subsection shall be considered as a gift,
15 bequest, or devise to the United States.

16 (d) *MAILS.*—The Commission may use the United
17 States mails in the same manner and under the same condi-
18 tions as other departments and agencies of the United
19 States.

20 (e) *ADMINISTRATIVE SUPPORT SERVICES.*—Upon the
21 request of the Commission, the Administrator of General
22 Services shall provide to the Commission, on a reimbursable
23 basis, the administrative support services necessary for the
24 Commission to carry out its responsibilities under this Act.

1 (f) *IMMUNITY.*—*The Commission is an agency of the*
2 *United States for the purpose of part V of title 18, United*
3 *States Code (relating to immunity of witnesses).*

4 **SEC. 7. REPORT.**

5 *As soon as practicable after reaching its last decision*
6 *under section 4, the Commission shall submit to the Presi-*
7 *dent and the Congress a report containing each decision,*
8 *including the recommendation of the Commission regarding*
9 *whether certain community land grants should be reconsti-*
10 *tuted, so that the Congress may act upon the recommenda-*
11 *tions.*

12 **SEC. 8. TERMINATION.**

13 *The Commission shall terminate on 180 days after*
14 *submitting its final report under section 7.*

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 *There is authorized to be appropriated \$1,000,000 for*
17 *each of the fiscal years 1999 through 2007 for the purpose*
18 *of carrying out the activities of the Commission and to es-*
19 *tablish and operate the Community Land Grant Study*
20 *Center under section 5.*